

HOUSE BILL No. 1020

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-11-6-1; IC 11-12; IC 36-2-13-5.

Synopsis: Display of racist markings or insignia. Requires the department of correction and community corrections advisory boards to prohibit employees from displaying racist markings on their bodies or clothing or in correctional facilities. Requires the department and boards to reassign employees who display racist markings.

Effective: July 1, 2003.

Smith V, Cheney, Ayres, Foley

January 7, 2003, read first time and referred to Committee on Human Affairs.

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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1020

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-11-6-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The department
3 shall adopt policies and procedures for the protection of committed
4 persons, including:
5 (1) the monitoring of committed persons whose presence in the
6 general population of a facility or program constitutes a threat of
7 physical danger to other persons;
8 (2) reasonable searches of committed persons, facilities and
9 premises to reduce the number of weapons and dangerous items;
10 (3) adequate staff supervision of committed persons, including
11 living quarters;
12 (4) maintenance of accurate records regarding incidents of
13 violence;
14 (5) referral of serious criminal conduct to investigating and
15 prosecuting authorities with appropriate information; and
16 (6) policies and procedures designed to reduce racial tension.
17 (b) **The department shall adopt rules under IC 4-22-2:**

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(1) prohibiting correctional employees from displaying racist markings or insignia on their bodies or clothing or in any facility;

(2) defining racist markings and insignia prohibited under subdivision (1); and

(3) requiring reassignment of any employee who violates the rules adopted under this subsection.

The rules adopted under this subsection must apply to all facilities subject to rules adopted by the department, including a juvenile detention facility operated under IC 31-31-8-5 and a juvenile detention center operated under IC 31-31-9-3.

(c) For purposes of IC 4-22-2, the terms "policies" and "procedures" as used in this section relate solely to internal policies and procedures not having the force of law.

SECTION 2. IC 11-12-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 6. A community corrections advisory board established under section 2 of this chapter shall:**

(1) prohibit employees working in community corrections premises and facilities operated by the community corrections advisory board from displaying racist markings or insignia:

(A) on their bodies or clothing; or

(B) in any community corrections premises or facilities; and

(2) reassign any employee who violates the prohibition set forth in subdivision (1);

in compliance with the rules adopted by the department under IC 11-12-3-3.

SECTION 3. IC 11-12-3-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3. The department shall adopt rules under IC 4-22-2:**

(1) prohibiting community corrections employees from displaying racist markings or insignia on their bodies or clothing or in any state operated community corrections facility;

(2) defining the racist markings and insignia prohibited under subdivision (1); and

(3) requiring reassignment of any employee who violates the rules adopted under this section.

SECTION 4. IC 11-12-4-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. The department shall adopt rules under**

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1 **IC 4-22-2:**

2 **(1) prohibiting county jail employees and officers from**
 3 **displaying racist markings or insignia on their bodies or**
 4 **clothing or in any county jail;**

5 **(2) defining the racist markings and insignia prohibited under**
 6 **subdivision (1); and**

7 **(3) requiring reassignment of any employee who violates the**
 8 **rules adopted under this section.**

9 SECTION 5. IC 36-2-13-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The sheriff shall:

11 (1) arrest without process persons who commit an offense within
 12 his view, take them before a court of the county having
 13 jurisdiction, and detain them in custody until the cause of the
 14 arrest has been investigated;

15 (2) suppress breaches of the peace, calling the power of the
 16 county to his aid if necessary;

17 (3) pursue and jail felons;

18 (4) execute all process directed to him by legal authority;

19 (5) serve all process directed to him from a court or the county
 20 executive;

21 (6) attend and preserve order in all courts of the county;

22 (7) take care of the county jail and the prisoners there; **and**

23 (8) take photographs, fingerprints, and other identification data as
 24 he shall prescribe of persons taken into custody for felonies or
 25 misdemeanors; **and**

26 **(9) enforce rules concerning county jail employees and**
 27 **officers adopted under IC 11-12-4-2.5.**

28 (b) A person who:

29 (1) refuses to be photographed;

30 (2) refuses to be fingerprinted;

31 (3) withholds information; or

32 (4) gives false information;

33 as prescribed in subsection (a)(8), commits a Class C misdemeanor.

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